



CITY OF MEMPHIS

COUNCIL AGENDA

November 9, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 19, 2004)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE- SECOND READING

1. **ORDINANCE** amending Chapter 21, Article 10, "Vehicle Equipment and Loads", relating to installation television or electronic equipment and the use thereof, up for S E C O N D reading.

Jones

Ordinance No. 5084

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

2. **ORDINANCE** rezoning the east side of Whitten Road; +1,366 feet north of Macon Road, containing 0.39 acre in the Single Family Residential (R-S8) District, up for F I R S T reading.

Peete

Ordinance on 5086

Case No. Z 04-133cc

Applicant: Ken and Lauren Zimmerman

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

3. **ORIDNANCE** rezoning the west side of Leath Street; +280 feet south of Jackson Avenue, containing 0.1147acre in the Multiple Family Residential (R-MM) District, up for S E C O N D reading.

Peete

Ordinance No. 5085

Case No. Z 04-128

Applicant: Neighborhood Christian Center
ETI –Corporation – Rodney Joyner – Representative

Request: Mixed Use (MU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

4. RESOLUTION approving final plat of BERRYHILL P.D. DRAINAGE IMPROVEMENTS.

Contract No. CR-4902

Resolution approves the final plat located on the south side of U.S. Highway 64 and east of Rock Creek Parkway. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting MID-SUMMER COMMONS P.D., PHASE 2 and authorizing release of bond.

Case No. PD 99-351cc
(Contract No. CR-4823)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of the intersection of Bloomfield Drive and Saunderton Way. The standard improvement contract was approved on October 7, 2000. Resolution also authorizes the release of the letters of credit in the amount of \$313,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting HOUSTON LEVEE TRAILS P.D., 1ST ADDITION, 2ND AMENDMENT, PHASE 4 and authorizing release of bond.

Case No. PD 00-350
(Contract No. CR-4861)

Resolution accepts completion of the improvements and the dedication of public street and easements as shown on the final plat located on the south side of US Highway 64, east of Houston Levee Road. The standard improvement contract was approved on April 27, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$82,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting WOODLAND HILLS P.D., 4TH AMENDMENT, PHASE 20, PARCEL 4 and authorizing release of bond.

Case No. PD 02-306cc
(Contract No. CR-4765)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Macon Road, west of Macon View Drive. The standard improvement contract was approved on November 26, 2002. Resolution also authorizes the release of the cashier's check in the amount of \$45,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

8. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 04-356cc – Briarcrest Baptist School System P.D.

Located on the south side of Dexter Road; +653.89 feet east of Bonnie Drive, containing 5.08 acres in Area A of the Briarcrest Baptist School System Planned Development (P.D. 04-321cc)

Applicant: Waymon H. Welch Jr. and Dawn Kinard
Prime Development Group (Mike Fahy) – Representative

Request: Amend Area to permit a car wash facility

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

B. Case No. PD 04-360 – Warren/Ferguson P.D.

Located on the northwest corner of Warren Road and Ferguson Road, containing 0.24 acre in the Multiple Dwelling Residential (R-MM) District

Applicant: GMR Silvery Moon, LLC
Royston's Construction Consultants – Representative

Request: Planned development to permit three (3) new 2-story single family homes each 1,600 square feet in area within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 23, 2004



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FISCAL CONSENT

DIVISION OF FINANCE & ADMINISTRATION

9. RESOLUTION canceling taxes in the total amount of \$22,487.38 on property located at 0 Scott Street, Parcel Number 037019 00031, for the tax years 1998, 1999, 2000, 2001, 2002 and 2003 and Parcel Number 037019 00030 for tax years 2001, 2002 and 2003 in the amount of \$892.36.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

10. RESOLUTION authorizing the sale of City owned vacant land at 1337 Breedlove in the North Memphis Area to Lisa Kimble in the amount of \$300.00. Resolution also authorizes the sale of City owned vacant land at 1372 Breedlove in the North Memphis Area to Lisa Kimble in the amount of \$500.00.

Ford

Director of Housing and Community recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION authorizing the sale of City owned vacant land at 2472 Zanone Avenue to Walter Taylor in the amount of \$500.00 for the revitalization of the neighborhood in the Orange Mound Community.

Ford

Director of Housing and Community recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION authorizing the sale of City owned vacant land at 914 Forrest in the North Memphis Area to Geraldine Jones in the amount of \$300.00. Ms. Jones plans to build a home on the vacant land.

Ford

Director of Housing and Community recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF PARK SERVICES

13. RESOLUTION appropriating an allocation of \$13,000.00 in Construction Funds from the Fiscal Year 2005 Capital Improvement Budget for Ballfield Renovations, CIP Project Number PK05001 funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF PLANNING & DEVELOPMENT

14. RESOLUTION accepting \$4,037.00 in funds from the State of Tennessee Department of Human Services (Vocational Rehab Services) to share in resources in providing services under the Workforce Investment Act at the Career Centers. Resolution also amends the FY 2005 Operating Budget to appropriate the grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

15. RESOLUTION accepts grant funds in the amount of \$12,050.00 from Shelby County Government for the Juvenile Accountability Block Grant. Resolution amends FY 2005 Operating Budget to appropriate grant and matching funds.

Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

16. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$21,193.00 in Sewer Funds from Rehabilitation of Existing Sewers, Project Number SW02001 to Jack Carley Pump Station Rehabilitation, Project Number SW02037.

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

17. RESOLUTION approving Renewal of Contract No. 10724, Mobile Sweeper Cleaning, with Horizon of Memphis in an estimated amount of \$45,598.20.
18. RESOLUTION approving Renewal of Contract No. 10799, Insurance Adjustment Services, with Horton & Associates of Memphis in the amount of \$160,000.00.
19. RESOLUTION awarding contract for toad software for Oracle license and maintenance to Quest Software in the amount of \$33,999.48.
20. RESOLUTION rescinding award of contract for ice machines to Barnett Group and awarding contract to Everquip in the amount of \$34,185.79.
21. RESOLUTION awarding contract for metalclad switchgear complex to Central Electric Manufacturing in the amount of \$290,500.00.
22. RESOLUTION awarding 36-month contract for gas meters as follows:

Actaris Gas.....	\$ 613,200.00 (approximately)
American Meter.....	307,557.00 (approximately)
Dresser Roots Meters and Instruments.....	283,559.17 (approximately)
Romet International Ltd.....	<u>183,732.82</u> (approximately)
Total:	\$1,388,048.99 (approximately)
23. RESOLUTION approving payment in the amount of \$65,918.50 to Harris, Shelton Law Firm for accounting expenses for forensic audit services.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

24. RESOLUTION commemorating the life of Mr. Charles C.L. McFadgon.
Mitchell

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES - THIRD AND FINAL READING (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

25. RESOLUTION authorizing MLGW to construct the South Collierville Electric Transmission Line and acquire necessary rights-of-way. Portions of the rights-of-way will be located in Fayette County, Tennessee.

Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

26. RESOLUTION authorizes the Division of Housing and Community Development to award \$1,307,500.00 in funding to designated 501(c)3 organizations for the purpose of community initiative activities.

Ford

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION amending the 2005 Capital Improvement Budget by establishing an allocation and appropriating \$1,710,000.00 in G.O. Bonds General, MATA acquisition, Project Number CD01053 for land acquisition and related costs.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

28. RESOLUTION appropriating the sum of \$429,000.00 in construction for Liberty Bowl Graphics, funded by G.O. Bonds General, chargeable to the Fiscal Year Capital Improvements Budget and credited to Liberty Bowl Stadium Improvements, CIP Project Number PK10001.

McCormick

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating the sum of \$151,100.00 in construction for Liberty Bowl Painting, funded by G.O. Bonds General, chargeable to the Fiscal Year 2005 Capital Improvements Budget and credited to Liberty Bowl Stadium Improvements, CIP Project Number PK10001.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

30. RESOLUTION accepting grant funds in the amount of \$395,973.00 from the Department of Justice, Bureau of Justice Assistance Local Law Enforcement Block Grant. Resolution also accepts \$10,000.00 in matching funds from Crime Stoppers of Memphis and the University of Memphis and transfers \$33,997.00 from the General Fund of the Division of Police Services. Resolution also amends the FY 2005 Operating Budget to appropriate grant funds and matching funds.

Jones

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION accepting grant funds in the amount of \$175,110.00 from the U.S. Department of Justice for Gang Resistance Education and Training Grant. Resolution amends FY 2005 Operating Budget to appropriate funds for revenues and expenses for the GREAT Grant.

Jones

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting grant funds in the amount of \$225,000.00 from the Department of Justice Project Safe Neighborhoods for personnel costs, equipment and supplies. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Jones

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION accepting grant funds in the amount \$60,000.00 from the U.S. Department of Justice for the Law Enforcement Tribute Grant. Resolution also accepts \$30,000.00 in matching funds from Shelby County Government and transfers \$15,000.00 each from the General Fund of Division of Fire Services and the Division of Police Services. Resolution amends FY 2005 Operating Budget to appropriate grant and matching funds.

Jones

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION accepting grant funds in the amount of \$949,116.00 from the State of Tennessee Governor's Highway Safety Office for the Memphis/Shelby County Metro Traffic Enforcement Project. These funds will be used for traffic enforcement activities and public awareness measures designed to reduce traffic fatalities, property damage crashes and increase traffic safety. Resolution also amends the FY 2005 Operating Budget to appropriate grant funds.

Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)**DIVISION OF PUBLIC WORKS**

35. RESOLUTION appropriating \$1,531,268.00 funded by G.O. Bonds General for Getwell-IRS Center to Stateline, Project Number PW01122 for construction contract with Ferrell Paving, Inc.

Hooks

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

36. **ORDINANCE** rezoning the south side of Holmes Road; +/-429 feet east of Airways Boulevard, containing 42.96 acres in the Single Family Residential (R-S8) and Multiple Dwelling Residential (R-ML Districts), up for T H I R D and F I N A L reading.

Peete Ordinance No. 5083
Case No. Z 04-132

Applicant: William H. Thomas, Jr.

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

46 NOTICES MAILED ON OCTOBER 29, 2004

DIVISION OF PLANNING & DEVELOPMENT

37. **RESOLUTION** approving a use variance located on the northwest corner of Clifton Avenue and University Street, containing 2.46 acres in the Single Family Residential (R-S6) District.

Peete Case No. UV 04-10

Applicant: New Hope Christian Academy
Stephen Carpenter – Representative

Request: On-Site Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

38. **RESOLUTION** accepting \$487,445.39 in funds from the Tennessee Department of Labor and Workforce Development to provide training and services under the Workforce Investment ACT (WIA Adult Services 2005). Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

39. **RESOLUTION** accepting \$382,910.77 in funds from the Tennessee Department of Labor and Workforce Development to provide training and services under the Workforce Investment Act (WIA Dislocated Workers' Services 2005). Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

40. **RESOLUTION** accepting \$96,706.24 in funds from the State of Tennessee Department of Labor and Workforce Development to share in resources in providing services under the Workforce Investment Act at the Careers Centers. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

41. **APPEAL**, regarding Memphis Alcohol Commission's decision in connection with CESAR'S WINE and LIQUOR.

Peete

(Appeal filed by Mr. Ronald W. Kim, Attorney)

ACTION REQUESTED: Take whatever action Council deems advisable

42. RESOLUTION approving a planned development Located on the north side of Cottonwood Road; +/-78.20 feet east of Knight Road, containing 4.18 acres in the Single Family Residential (R-S6) District.

Peete

Case No. PD 04-336

Applicant: Katrina Walker
Universal Design Group – Representative

Request: Planned development to permit a three (3) story seventy-six (76) unit independent living facility, including associated accessory uses within the Outline Plan

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

96 NOTICES MAILED ON OCTOBER 22, 2004

43. RESOLUTION approving a planned development located in the Ridgeway-Nonconnah Center Planned Development, Amended, containing 9.68 acres in Parcel B, P.D. 02-303. (Held from 10/5; 10/19)

Peete

Case No. PD 04-339

Applicant: Acheson Properties, LLC
Ronald Harkavy – Representative

Request: Amend conditions of Parcel B to permit Automobile Dealership (Acura of Memphis)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

54 NOTICES MAILED ON SEPTEMBER 24, 2004

44. RESOLUTION approving a planned development located on the west side of Hacks Cross Road; +/-1,124.08 feet south of Shelby Drive, containing 27.72 acres and is governed by Hacks Crossing Planned Development, Amended(P.D. 96-324cc).

Peete

Case No. PD 04-340cc

Applicant: Hacks Cross Partners, G.P.
Farris-Matthews-Branan, PLC (Homer Branan, III) – Representative

Request: Planned development amendment to permit single family residential In Parcel 'B' and to create Parcel 'E' to permit Planned Commercial (C-P) and Parcel 'F' to permit General Office (O-G) District uses Within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES MAILED ON OCTOBER 22, 2004

45. RESOLUTION a planned development located on the north side of Macon Road; +809.28 feet east of Appling Road, containing 9.74 acres in the Agricultural (AG) and Agricultural Flood Plain (AG[FP]) Districts.

Peete

Case No. PD 04-347cc

Applicant: David Miller
Michael J. Fahy – Representative

Request: A planned development to permit 56 single family detached lots with a minimum 3,622 lot size within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

142 NOTICES MAILED ON OCTOBER 22, 2004

46. RESOLUTION approving a planned development located on the north side of Holmes Road; +483.14 feet west of Gertrude Street, containing 6.627 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-348cc

Applicant: Loyal Featherstone
Michael J. Fahy – Representative

Request: A planned development to permit 20 single family detached lots with a minimum lot size of 10,000 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

60 NOTICES MAILED ON OCTOBER 22, 2004

47. RESOLUTION approving a planned development located on the south side of U.S. Highway 64; +/-1,200 feet east of Washington Road, containing 5.0 acres in Agricultural (AG) District.

Peete

Case No. PD 04-352

Applicant: DeWitt Power Products (Jim DeWitt)
ETI Corporation – Representative

Request: Planned development to permit Planned Commercial (C-P) District uses within the Outline Plan, including an outdoor storage yard

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

31 NOTICES MAILED ON OCTOBER 22, 2004

48. RESOLUTION approving a planned development located on the east side of Mendenhall Road; +124 feet north of Princeton Avenue, containing 1.459 acres in the Single Family Residential (R-S6) District.

Peete

Case No. PD 04-353

Applicant: Sovereign Builders, LLC
SR Consulting, LL – Cindy Reaves – Representative

Request: A planned development to permit 10 single family detached lots with a minimum of lot size of 4,876 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

125 NOTICES MAILED ON OCTOBER 22, 2004

GENERAL ITEM

ADJOURNMENT